

REMARKS

The undersigned affirms the election of species "a". Accordingly, claims 6 to 12 have been withdrawn from further consideration.

DRAWINGS

In response to the objection to the drawings under 37 CFR 1.83(a), the drawings, namely Figures 4, 13 and 14 have been amended in accordance with the marked copies thereof as submitted as part of this response. Approval of these amended drawings are requested after which formal new drawings will be submitted.

REJECTIONS

The claim rejections of claims 4 and 5 under 35 U.S.C. 112, first paragraph, have been overcome by the amendment to the drawings submitted herewith. Amendment to the specification in compliance with these drawing changes also accompanies this amendment hereinabove. No new matter has been added.

Claims 1 to 3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Pflueger. It is submitted that the amendments to the claims now in this case, in combination with the remarks herebelow, overcome this rejection.

THE INVENTION

The invention is generally directed to tennis racket and positioning devices (a system) attachable to a handle of a tennis racket. In the preferred embodiment, a support member adapted to conform, when releasably attached to the handle, to the base of the thumb adjacent the palm of the hand provides felt, unseen orientation indicia of the head of the tennis racket. In alternate narrower embodiments, a disc-shaped palm

support member and an elongated A-shaped or triangular-shaped hand positioning device are also provided as set forth in the dependent claims now in the case.

Most importantly, the preferred embodiment of the invention includes a support member having a saddle shaped obverse surface and including an attaching strip which is insertable beneath one of the wraps of a handle of a tennis racket. The obverse surface of this support member is oriented facing the head end of the tennis racket generally at an angle of about 45° or, more broadly, at an acute angle with respect to the longitudinal axis of the handle and bears against and provides support and, most importantly, felt indicia to the user as to the rotational orientation of the head of the racket during play.

As best seen in Figure 1, it is submitted, that this preferred embodiment (10) is only useful and functional when bearing against the base of the thumb immediately adjacent the palm of the hand of the user. If positioned on a tennis racket so as to bear against the thumb pad, an erroneous and unintended use of the invention, due to the acute angled orientation thereof would occur. Moreover, it is submitted that the typical hand and finger length of even a large-handed user make it almost physically impossible for the thumb and the side of the index finger to overlap when grasping a conventional tennis racket handle due to the girth of the handle itself.

All of these above features of the preferred embodiment have been incorporated into the independent claims now in the case.

CHO

Turning to the primary reference to Cho, this invention is specifically structured, described and claimed to serve as a stationary blade orientated in a generally upright orientation with respect to an elongated handle member. The function and purpose of the

Cho device is to provide bearing surfaces for the thumb pad on one side of the blade and the side of the index finger on the other side of the blade. Moreover, the Cho device is orientated at a transverse acute angle only with respect to the longitudinal axis of the handle as best seen and described in detail in Figures 1, 2, 3 and 6. Although this transverse acute orientation of the blade of Cho is somewhat diminished in the pictorial embodiments of the invention and specifically including Figure 24, this transverse acute angle orientation of the blade of Cho carries through with all embodiments of the invention.

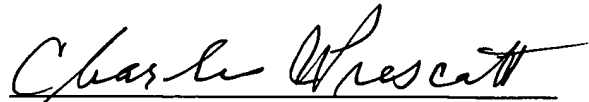
It is submitted therefore that Cho discloses an entirely different invention from that of the present invention. Cho discloses a much more intricate and involved invention for preventing any movement longitudinally of the axis of the handle when grasp by the user in either longitudinal direction. In one direction, the thumb is resistive of movement against one side of the blade of Cho while in the other direction of movement of the handle, the index finger is resistive of movement of the handle against the opposite side of the blade with the Cho invention installed therewith.

Contrarily, the present invention is only intended to provide felt indicia of rotational orientation of the head of a tennis racket and although perhaps incidentally providing for a slight stationary effect of restraining movement of the handle of the tennis racket in only one direction, i.e. away from the user, no stationary support effect is provided in any way and more specifically does not provide stationary immobilization of the handle or even index finger contact against the index finger of the user.

It is submitted that the case is now in condition for allowance same is respectfully requested. However, if Examiner Chiu cannot comply with this request, a telephone

interview is formally requested hereby before any further office action is issued.

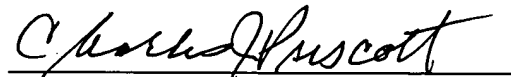
Respectfully submitted,



Charles J. Prescott
Reg. No. 30,316
Charles J. Prescott, P.A.
2033 Wood Street, Suite 115
Sarasota, Florida 34237
(941) 957-4208

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing is being deposited in the U.S. mail, first class postage paid, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 this 4th day of October, 2004.



Charles J. Prescott